



**Town of Uxbridge
Zoning Board of Appeals
21 So. Main St.
Uxbridge, MA 01569
(508) 278-8603**

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Minutes of the Uxbridge Zoning Board of Appeals Meeting held on Wednesday, October 4, 2006 at 7:00 P.M. in the Board of Selectmen's Meeting Rm., Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA 01569:

Members Present: Chairman Ernie Esposito, Carol Masiello and Mark Wickstrom.
Member Absent: John Higgins

The meeting being duly called, properly posted and a quorum being present, Chairman Esposito convened the meeting at 7:00 P.M.

PUBLIC HEARINGS (NEW):

FY07-02: The applicant(s) / owner(s) of record, Luis C. and Gaby E. Rodas, is (are) seeking, in the Residence A Zone, an Area Variance of 5,625 sq. ft. from the 20,000 sq. ft. Area requirement and a Frontage Variance of 60 ft. from the 125 ft. Frontage requirement, on a pre-existing, non-confirming lot located at 30 Church St., Uxbridge, MA 01569, Town of Uxbridge Assessor's Map 6, Parcel 4455, Worcester District Registry of Deeds' Bk. 37386, Pg. 261, in order to construct a 12 ft. x 20 ft. second floor addition. The applicants were present. An abutter, Frank Wilson, was present and indicated to the Board that he had no problem with the applicant's proposal. **Vote:** At a meeting of the Zoning Board of Appeals on October 4, 2006, Carol Masiello made a motion that was seconded by Mark Wickstrom, that the Board make a Determination in the above matter per M.G.L. C. 40A S. 6 that the proposed change, extension or alteration of a pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood. The vote was 3-0-0 in favor of the motion.

FY07-03: The applicant(s) / owner(s) of record, Peter M. and Deborah A. Cournoyer, is (are) seeking, in the Residence C Zone, an Area Variance of 17,460 sq. ft. from the 43,560 sq. ft. Area requirement and a Frontage Variance of 75 ft. from the 200 ft. Frontage requirement, on a pre-existing, non-confirming lot located at 206 High St., Uxbridge, MA 01569, Town of Uxbridge Assessor's Map 24C, Parcel 4454, Worcester District Registry of Deeds' Bk. 16958, Pg. 311, in order to construct a 1,311 sq. ft. modular home and raze an existing home. The applicants were present. An abutter, Marc Robbins, asked them to delineate what they were doing. The applicant explained that they were going to demolish the existing house and re-build on the site. Carol Masiello cited that the hardship suffered by the applicant was a topographical one because the existing house is sinking into the ground and

the applicant could therefore not construct on the existing house. Mark Wickstrom indicated that sandy soil and the soil conditions would not support expansion of the existing structure. **Vote:** At a meeting of the Zoning Board of Appeals on October 4, 2006, Carol Masiello made a motion that was seconded by Mark Wickstrom, that the Board grant, in the Residence C Zone, an Area Variance of 17,460 sq. ft. from the 43,560 sq. ft. Area requirement and a Frontage Variance of 75 ft. from the 200 ft. Frontage requirement with one condition (below), on a pre-existing, non-conforming lot located at 206 High St., Uxbridge, MA 01569, in order to construct a 1,311 sq. ft. modular home and raze an existing home, per M.G.L. C. 40A S. 6 that the proposed change, extension or alteration of a pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood. The vote was 3-0-0 in favor of the motion. **Condition:** No occupancy permit shall be issued until the existing home is razed.

FY07-04: The applicant(s) / owner(s) of record, Joseph and Beth Hickey, is (are) seeking, in the Residence C Zone, an Area Variance of 5,128 sq. ft. from the 43,560 sq. ft. Area requirement and a Frontage Variance of 200 ft. from the 200 ft. Frontage requirement, on a pre-existing, non-conforming lot located at 385 Mendon St., Uxbridge, MA 01569, Town of Uxbridge Assessor's Map 20, Parcel 0271, Worcester District Registry of Deeds' Bk. 19301, Pg. 262, in order to construct a 24 ft. x 24 ft. addition above an existing garage to be used as office and storage. The applicants were present. They confirmed to the Board members that no business will be conducted at the location and that no bath or kitchen was being installed. No abutters were present. **Vote:** At a meeting of the Zoning Board of Appeals on October 4, 2006, Mark Wickstrom made a motion that was seconded by Carol Masiello, that the Board make a Determination (with one condition below) in the above matter per M.G.L. C. 40A S. 6 that the proposed change, extension or alteration of a pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood. The vote was 3-0-0 in favor of the motion. **Condition:** That this would comply with the allowed uses in the Residence C Zone.

FY07-05: The applicant(s), Scott H. Davidson, and the owner(s) of record, Pat & Dianne Pollard, is (are) seeking, in the Residence B Zone, a Frontage Variance of 35 ft. from the 185 ft. Frontage requirement, on a pre-existing, non-conforming lot located at 53 Brookside Dr., Uxbridge, MA 01569, Town of Uxbridge Assessor's Map 18C, Parcel 2534, Worcester District Registry of Deeds' Bk. 16243, Pg. 144, in order to construct a 24 ft. x 28 ft. three-season room. The applicant was present. Mark Wickstrom made a disclosure that he hired Mr. Davidson to perform work on his own home and that he does not represent the owners. **Vote:** At a meeting of the Zoning Board of Appeals on October 4, 2006, Carol Masiello made a motion that was seconded by Mark Wickstrom, that the Board make a Determination in the above matter per M.G.L. C. 40A S. 6 that the proposed change, extension or alteration of a pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood. The vote was 3-0-0 in favor of the motion.

FY07-06: The applicant(s) / owner(s) of record, David R. and Cheryl E. Morin, is (are), in the Agricultural Zone, a Frontage Variance of 35 ft. from the 300 ft. Frontage requirement, on a pre-existing, non-conforming lot located at 101 Aldrich St., Uxbridge, MA 01569, Town of Uxbridge Assessor's Map 45, Parcel 968, Worcester District Registry of Deeds' Bk. 18285, Pr. 216, in order to construct one single family home and a barn on the lot. The applicants were not present but submitted a letter to the Board asking that they be allowed to withdraw without prejudice. **Vote:** At a meeting of the Zoning Board of Appeals on October 4, 2006, Mark Wickstrom made a motion that was seconded by Carol Masiello, that the Board grant the applicant's request to Withdraw Without Prejudice Case# FY07-06. The vote was 3-0-0 in favor of the motion.

CONTINUED / NEW / OTHER BUSINESS

- Discussion on M.G.L. C. 40 S. 6 re: Matters Being Referred to the ZBA: Carol Masiello indicated that in spite of comments from Judith Cutler of Kopelman and Paige that she wanted to see all matters advertised and abutters noticed even if a Public Hearing is not required. She went on to say that she wants to see the 2002 letter from the ZBA to the Building Inspector regarding all referrals to the ZBA and questioned whether or not the Board might want to rescind their earlier ruling. Ms. Masiello also indicated that she wanted the Board members to receive a copy of the meeting minutes from the meeting at which the vote to send the letter was taken. Mark Wickstrom indicated that he would get copies of MGL C. 40 S. 6 for the Board members to discuss at their next meeting.
- Discussion on the Zoning Act and the Seven Criteria of Hardship
- Municipal Acceptance of New MGL re: Absences of Board Members Reviewing Special Permits: The Board members asked that this issue be put on the next meeting's agenda if it was not already a Warrant Article at the FATM --- Upon investigation, it was discovered that it is.
- Vote to Accept and Endorse 09/06/06 ZBA Meeting Minutes
- Review and Sign Invoices, if any
- Review Mail

Adjournment: Carol Masiello made a motion, seconded by Mark Wickstrom, to adjourn. The vote was 3-0-0 in favor of the motion. The meeting adjourned at 7:55 P.M.

Approved by the Town of Uxbridge Zoning Board of Appeals:

Ernie Esposito, Chairman

Carol Masiello, Member

Mark Wickstrom, Alternate